

Appl. No. 10/018,208  
Amdt. Dated 06/12/2007  
Reply to Office action of August 11, 2006

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Confirmation No. 4506

In re : Application of Yoncs, et al.  
For : PROGRAMMABLE MODULATION INDEX FOR TRANSPONDER  
Serial No. : 10/018,208  
Filed : November 9, 2001  
Group Art Unit : 2618  
Examiner : Tu X Nguyen  
Our Docket No. : DN1999118USA  
Customer No. : 24036

June 12, 2007

**By Fax 571-273-7883**

**ATTN: Examiner Tu X Nguyen**

**COMMISSIONER FOR PATENTS**

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Examiner Nguyen:

This is in response to your voice mail regarding a missing Declaration for the above referenced application.

Attached is a copy of the Declaration and Power of Attorney as filed on November 9, 2001. Additionally, we have enclosed a copy of the 371 Acceptance Letter indicating that the Oath or Declaration was received by the Patent Office.

Page 1 of 2

Appl. No. 10/018,208  
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Should you require additional information, please do not hesitate to contact us.

Respectfully submitted,



Howard M. Cohn

Registration No. 25,808

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**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Fax No. 571-273-7883) on June 12, 2007.

Name of Person Signing Certificate : Howard M. Cohn

Signature



Date of Person signing : June 12, 2007

Docket No. DN1999-118USA**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PROGRAMMABLE MODULATION INDEX FOR TRANSPONDER the specification of which (check one)

\_\_\_\_\_ is attached hereto.

X was filed on December 15, 1999 as Application Serial No. PCT/US99/29827 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim the benefit under 35 U.S.C. § 119(c) of any United States provisional application(s) listed below:

60/134,460May 17, 1999

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365 of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which become between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)(patented, pending, abandoned)

**POWER OF ATTORNEY**

As named inventor(s), I or we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David L. King	Registration No.	33,925
David E. Wheeler	Registration No.	29,726
Howard M. Cohn	Registration No.	25,808
Nancy T. Krawczyk	Registration No.	38,744

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first inventor (given name, family name) Dale Lee YonesInventor's signature Dale Lee YonesDate October 26, 2001Residence Boulder, Colorado U.S.A.Citizenship U.S.A.Post Office Address 5610 Arapahoe Road, Apt. 133 Boulder, Colorado 80303 U.S.A.

Additional inventors are being named on separately numbered sheets attached hereto.

SEND CORRESPONDENCE TO:  
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Page 1 OF 1 page(s)  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Communication for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20535  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/018,208	FIRST NAMED APPLICANT Dale Lee Yones	ATTY. DOCKET NO. DN1999118USA
INTERNATIONAL APPLICATION NO. PCT/US99/29827		
IA FILING DATE 12/15/1999	PRIORITY DATE 05/17/1999	

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CONFIRMATION NO. 4506  
371 ACCEPTANCE LETTER  
\*OC00000007476486\*

Date Mailed: 02/14/2002

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>11/09/2001</u>	<u>11/09/2001</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF RECEIPT OF ALL 35 U.S.C. REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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JOHN L ANDERSON  
Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)